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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314		

EXAMINER	
GYORFI, THOMAS A	

ART UNIT	PAPER NUMBER
2135	

NOTIFICATION DATE	DELIVERY MODE
06/04/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/975,827

Applicant(s)

HATANAKA ET AL.

Examiner

Tom Gyorfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-19, 21-23 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-19, 21-23 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15, 17-19, 21-23, and 25-34 remain for examination. The correspondence filed 3/19/07 amended claims 1, 3, 4, 14, 18, and 22; and added claims 29-34.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/19/07 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claims 1-15, 17-19, 21-23, and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoda et al. (U.S. Patent 7,096,268) in view of the software program "abcde".

Regarding claims 1, 3, and 4:

Shoda discloses an information processing method/apparatus/program having functions for recording contents on a first recording medium onto a storage unit of said apparatus, said apparatus comprising: a recording unit for recording the contents of the first recording medium onto the storage unit (col. 6, lines 53-56); a storing unit for storing information regarding each track on the first recording medium as recording history information in said apparatus at the time the contents of the first recording medium are recorded onto the storage unit by said recording unit (col. 6, lines 58-67); a determining unit for determining whether a track on the first recording medium was previously recorded or not onto the storage unit by said recording unit based on said recording history information stored in said apparatus (col. 8, lines 23-55); a display (element 21 of Figure 1) and a display control unit for controlling display of information regarding tracks (Ibid, and col. 9, lines 23-50).

As acknowledged by Applicant in the amendment of 3/19/07, the Shoda reference is at the very least capable of determining which tracks have been previously recorded [i.e. "ripped"] onto the apparatus (page 19, regarding the tracks "AAAAA" and "BBBBB"; cf. Shoda, col. 9, lines 38-47). Furthermore, CD ripping software as employed by Shoda and exemplified by abcde would not only be aware of all tracks on

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a given CD (see abcde README, bulleted list) – thus allowing the system to determine what has not yet been ripped by comparing what has been ripped against what is available on the CD, in accordance with the determining means already disclosed by Shoda – but further still the CD ripping software can be instructed to rip only a subset of tracks on a CD (abcde, page 1, “Usage: abcde [options] [tracks]”; and page 5, as indicated) and display information about said tracks on a display means (e.g. abcde, page 1, the indicated “echo” statements). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the CD ripping unit of the Shoda invention to indicate as selected tracks the one or more tracks on the recording medium that were determined as not being previously recorded onto said storage unit. The motivation for doing so would be to make it easier to automate the process of ripping CD content for consumption (abcde, “README”, 1st paragraph).

Regarding claims 14, 18, and 22:

Shoda discloses an information processing method/apparatus/program for transferring contents from a first recording medium to a second recording medium, said apparatus comprising: means for determining whether or not recorded history information is present in the apparatus for the contents of the first recording medium (col. 8, lines 23-50); means for selecting a portion or portions of the contents for recording from the first recording medium to the second medium (col. 7, lines 4-12, and Figure 7); means for recording the selected portion from the first recording medium to the second recording medium (col. 8, line 61 – col. 9, line 2); means for storing the

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recorded history information regarding the selected portion[s] of the recorded contents (col. 7, line 55-col. 8, line 12); means for displaying on the apparatus a list indicating the selected portion[s] and non-selected portion[s] of the content (Figure 13a); wherein said recording means records from the first recording medium to the second recording medium the displayed portion[s] (col. 6, lines 34-40).

As acknowledged by Applicant in the amendment of 3/19/07, the Shoda reference is at the very least capable of determining which tracks have been previously recorded [i.e. "ripped"] onto the apparatus (page 19, regarding the tracks "AAAAA" and "BBBBB"; cf. Shoda, col. 9, lines 38-47). Furthermore, CD ripping software as employed by Shoda and exemplified by abcde would not only be aware of all tracks on a given CD (see abcde README, bulleted list) – thus allowing the system to determine what has not yet been ripped by comparing what has been ripped against what is available on the CD, in accordance with the determining means already disclosed by Shoda – but further still the CD ripping software can be instructed to rip only a subset of tracks on a CD (abcde, page 1, "Usage: abcde [options] [tracks]"; and page 5, as indicated) and display information about said tracks on a display means (e.g. abcde, page 1, the indicated "echo" statements). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the CD ripping unit of the Shoda invention to automatically select portion or portions of the contents of the first recording medium for recording that do not have recorded history information present in said apparatus, and to not select those portions of the contents of the first recording medium that do have history information present in the apparatus. The

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motivation for doing so would be to make it easier to automate the process of ripping CD content for consumption without redundancy (abcde, "README", 1st paragraph).

Regarding claims 29, 31, and 33:

Shoda discloses an information processing method/apparatus/program for recording contents stored on a recording medium, comprising: a storage unit configured to store recording history information (col. 6, lines 58-67); a determining unit configured to determine whether or not one or more tracks on the recording medium were previously recorded onto said storage unit based on said recording history information (col. 8, lines 23-55); a display configured to display one or more selected tracks for recording from the recording medium onto said storage unit (element 21 of Figure 1; Figure 13a); a display control unit configured to control a display of information on said display (Ibid); and a recording unit configured to record one or more selected tracks from the first recording medium onto said storage unit (col. 6, lines 53-56).

As acknowledged by Applicant in the amendment of 3/19/07, the Shoda reference is at the very least capable of determining which tracks have been previously recorded [i.e. "ripped"] onto the apparatus (page 19, regarding the tracks "AAAAA" and "BBBBB"; cf. Shoda, col. 9, lines 38-47). Furthermore, CD ripping software as employed by Shoda and exemplified by abcde would not only be aware of all tracks on a given CD (see abcde README, bulleted list) – thus allowing the system to determine what has not yet been ripped by comparing what has been ripped against what is available on the CD, in accordance with the determining means already disclosed by

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Shoda – but further still the CD ripping software can be instructed to rip only a subset of tracks on a CD (abcde, page 1, “Usage: abcde [options] [tracks]”; and page 5, as indicated) and display information about said tracks on a display means (e.g. abcde, page 1, the indicated “echo” statements). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the CD ripping unit of the Shoda invention to indicate as selected tracks the one or more tracks on the recording medium that were determined as not being previously recorded onto said storage unit. The motivation for doing so would be to make it easier to automate the process of ripping CD content for consumption (abcde, “README”, 1st paragraph).

Regarding claim 2:

Shoda further discloses wherein said recording history information contains audio recording history information which records the number of times that audio recording has been made for each track of the first recording medium, title saving information of the contents, and play list information (col. 5, line 65 – col. 6, line 7; col. 7, lines 55-65).

Regarding claims 5, 8, and 11:

Shoda further discloses checking-in means for rendering unusable the contents recorded onto a second medium from the first recording medium (col. 7, line 55 – col. 8, line 12), wherein storing unit is further configured for storing information regarding the contents as recording history information onto the second recording medium being rendered unusable (col. 8, lines 13-55); wherein said recording history information

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includes a check-out number which is decremented when said recording unit records the contents on the first recording medium onto the second recording medium, and incremented when said checking in means renders unusable the contents recorded onto the second recording medium from the first recording medium (Ibid, and col. 8, line 61 – col. 9, line 12).

Regarding claims 6, 9, 12, 15, 19, 23, 30, 32, and 34:

Shoda further discloses wherein said display control unit displays indicia indicating manual selection or de-selection of tracks for recording by said recording unit from the first recording medium to the storage unit (elements 61 and 62 of Figure 13a; see also col. 7, lines 4-12 and col. 10, lines 45-60).

Regarding claims 7, 10, 13, 17, 21, and 25:

Shoda further discloses wherein said display control unit displays indicia indicating whether or not recorded history information is present in said apparatus for the contents of the first recording medium (e.g. Figures 7 and 9).

Regarding claims 26-28:

Shoda further discloses a judging unit for judging whether a predetermined recording medium is mounted to the apparatus based on a media specific identification information (col. 5, lines 25-30; element 67 of Figure 7); wherein said storing unit stores the recording history information associating with media specific information of the first

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recording medium (col. 9, lines 3-12) and wherein said determining unit determines when the first recording medium is mounted (col. 5, lines 25-30).


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
5/25/07


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